IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION N. 20994 of 2004

Between:

M.Subbanarasaiah, S/o.M.Subbanna, Lineman, driver,
D.No.8/76, Eswar Reddy Nagar, Proddutur, Cuddapah District.

..... PETITIONER

AND

1 The Chairman & Managing Director, A.P.S.P.D.C.L.Tirupati.
2 The Superintending Engineer, A.P.S.P.D.C.L. Cuddapah.
3 The Divisional Engineer, A.P.S.P.D.C.L. Proddutur,

Cuddapah Dist.
4 The Additional Divisional Engineer, A.P.S.P.D.C.L., Yerraguntla,

Cuddapah Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue writ of mandamus; 1) To declare the action of the respondents as illegal arbitrary & unsustainable, in issuing memo Lr.No.ADE/O/YTL/HC/F.2/D No. 1906/04, dated 01-11-2004 even without issuing any transfer orders on the petitioner. 2) To set aside the memo Lr.No.ADE/O/YTL/HC/F.2/D.No.1906/04, dated 01-11-04 3) To direct the respondents to continue the petitioner at Yerraguntla Operation Subdivision, Yerraguntla as Lineman Driver. 4) To call for records.

Counsel for the Petitioner:MS.R.ANNAPURNA

Counsel for the Respondent Nos.1 to 4: MR.SAMINENI KISHORE

The Court at the admission stage made the following O R D E R:

Challenging the action of the respondents in issuing the impugned memo dated 01.11.2004, the petitioner filed the present writ petition.

Learned counsel for the petitioner contended that without there being any transfer order, the petitioner was relieved, and therefore, the impugned memo is contrary to the regulations.

Learned Standing Counsel appearing for the respondents opposed the same.

An employee is liable to be transferred anywhere, but it must be by way of proceedings effecting transfers. If the transfer is on administrative grounds, the same cannot be challenged unless there are mala fides or the transfer order is by way of punishment. Admittedly, in this case, no transfer order has been issued by the competent authority. Without there being any transfer order, the petitioner was relieved by impugned memo. Therefore, the impugned memo dated 01.11.2004 is liable to be set aside and is set aside.

In the result, the writ petition is allowed. No costs.

16.02.2005

usd

To

1 The Chairman & Managing Director, A.P.S.P.D.C.L.Tirupati.
2 The Superintending Engineer, A.P.S.P.D.C.L. Cuddapah.
3 The Divisional Engineer, A.P.S.P.D.C.L. Proddutur,

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Cuddapah Dist.

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